

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Michael Vincent Smith, # 284888)	
)	
Petitioner,)	
)	
vs.)	Civil Action No.: 8:09-643-TLW-BHH
)	
Warden McCall, Perry Correctional)	
Institution,)	
)	
Respondent.)	
)	

ORDER

The petitioner, Michael Vincent Smith (“petitioner”), proceeding *pro se*, filed this petition for habeas corpus pursuant to 28 U.S.C. § 2254. (Doc. #1). The case was referred to United States Magistrate Judge Bruce Howe Hendricks pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 (B)(2)(c), DSC.

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by the Magistrate Judge to whom this case had previously been assigned. (Doc. #10). On April 20, 2009 the Magistrate Judge issued the Report. In the Report, the Magistrate Judge recommends that the petition be dismissed with prejudice and without requiring the respondent to file a return. (Doc. #10). The petitioner filed no objections to the report. Objections were due on May 7, 2009.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge’s Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this

Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The Court has carefully reviewed the Magistrate Judge's Report and Recommendation. It is hereby **ORDERED** that the Magistrate Judge's Report and Recommendation is **ACCEPTED**. (Doc. #10). For the reasons articulated by the Magistrate Judge, the § 2254 petition in this action is **DISMISSED** with prejudice and without requiring the respondent to file a return.

IT IS SO ORDERED.

s/Terry L. Wooten
United States District Judge

September 29, 2009
Florence, South Carolina